

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 0143**

**SECTION#: 008**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING FROM THE ADMINISTRATION OF JUSTICE FUND.

NO EXECUTIVE RECOMMENDATION

(a) (i) The Administrative Office of the Courts shall be responsible for requesting and verifying the need for any additional appropriation, any position change level, and any increase in the Administration of Justice Fund Allocation Section as authorized annually through special language in the Department of Finance and Administration's Disbursing Act, for the Trial Court Administrators and Official Court Reporters.

(ii) Any annual or biennial request for an increase in the Administration of Justice Fund allocation section for Trial Court Administrators and/or Official Court Reporters shall not exceed the total or projected total revenues available for the Trial Court Administrator Fund or the Court Reporter's Fund from the Administration of Justice Fund as determined by the Administrative Office of the Courts with assistance from the Department of Finance and Administration.

(b) (i) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Trial Court Administrators which will exceed actual or projected fund balances in the Trial Court Administrator Fund.

(ii) During a fiscal year the Administrative Office of the Courts shall not approve any change level in salary, operating expense and other distributions for Court Reporters which will exceed actual or projected fund balances in the Court Reporter's Fund.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 032**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUND TRANSFER. Federal funds received by the Arkansas State Police from the United States Department of Transportation from safety incentive funds received under 23 USC Section 402 for the "State and Community Highway Safety Program" may be granted to the Administrative Office of the Courts and deposited into the State Central Services Fund to reimburse expenditures by the Administrative Office of the Courts for operating expenses of the Continuing Education Program for District Judges as appropriated in the District Judges Continuing Education - State appropriation herein. The appropriation to the Administrative Office of the Courts provided in the District Judges Continuing Education - State appropriation may be expended only in the event that federal funds have been granted and will be transferred from the Arkansas State Police to reimburse the Continuing Education Program for District Judges.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 033**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

CONTRACTING WITH STATE ATTORNEYS. The Administrative Office of the Courts Division of Dependency-Neglect Representation shall have the authority to enter into a Professional Services Agreement with any qualified attorney who at any time previously served as a State Attorney and was paid by the State as a state employee prior to being appointed to provide representation in the dependency-neglect cases by a Circuit Judge. In addition, the Division shall have the authority to enter into a professional services contract with a qualified person who is serving as a part-time Public Defender or other part-time State Attorney and paid as an employee of the State of Arkansas when the Public Defender or other part-time State Attorney has been appointed to provide Dependency-Neglect Services by a Circuit Judge. The part-time Public Defender or other part-time State Attorney shall be eligible for additional compensation which shall not be construed as exceeding the line item maximum for the grade of that position when the Administrative Office of the Courts reimburses the part-time Public Defender or other part-time State Attorney for Dependency-Neglect Representation services performed. This does not prevent the Administrative Office of the Courts from contracting with any qualified attorney in the state.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 034**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DEPENDENCY-NEGLECT REPRESENTATION APPROPRIATION TRANSFER AUTHORITY. The Administrative Office of the Courts shall receive approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee to transfer funds and appropriations between line items Regular Salaries, Personal Services Matching, Operating Expense, Professional Fees and Attorney Ad Litem Fees/Reimbursements of the Division of Dependency-Neglect Representation appropriation herein for the payment of employees and/or contractors providing legal services for the Division of Dependency-Neglect Representation.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction,

NO EXECUTIVE RECOMMENDATION

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**SECTION#: 034**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2020~~  
2021 through June 30, ~~2021~~ 2022.

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**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 035**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER AUTHORITY. The Department of Finance and Administration shall transfer funds, from time to time, from the State Administration of Justice Fund to the State Central Services Fund in such amounts as are required to reimburse the State Central Services Fund for a portion of the expenses of the Administrative Office of the Courts - Division of Dependency-Neglect Representation.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION

**2021 - 2023 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 036**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FUNDING. Funds received by the Arkansas State Police from the Department of Transportation from the safety incentive funds received under P.L. 105-178, title I, Section 1404(a), 23 USC Section 163 for "Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons" may be transferred to the Administrative Office of the Courts as directed by the Arkansas State Police for operating expenses of the District Court State Automation System.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION

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**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 037**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

MONTHLY INSTALLMENT. From July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022, a lump sum monthly installment of at least one-twelfth (1/12) of a portion of the annual appropriation provided for in the Division of Dependency-Neglect Representation appropriation of this Act, or so much thereof as may be made available, shall be provided from the State Administration of Justice Fund to the State Central Services Fund to provide a portion of the funds for that appropriation.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION



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**0023 Administrative Office of the Courts**

**ACT#: 0144**

**SECTION#: 038**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. After receiving approval from the Chief Fiscal Officer of the State and Arkansas Legislative Council or Joint Budget Committee, the Agency is authorized to transfer appropriation from any line item authorized in Court Automation Appropriation of the Administrative Office of the Courts in this Act to any other line item authorized in Court Automation Appropriation.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Administrative Office of the Courts may operate more efficiently if some flexibility is provided to the Administrative Office of the Courts authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

NO EXECUTIVE RECOMMENDATION